# BEFORE THE PUBLIC UTILITIES COMMISSION

#### OF THE STATE OF HAWAII

----- In the Matter of -----)

ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR

Notice of Failure to Comply With Hawaii Revised Statutes and Commission's Regulations Order to Show Cause Why Respondent's Operating Authority Should Not Be Suspended or Revoked.

DOCKET NO. 03-0282

ORDER NO. 20483

Filed Oct. 27, 2003 At 8:00 o'clock A .M.

Chief Clerk of the

ATTEST: A True Copy KAREN HIGASHI Chief Clerk, Public Utilities Commission, State of Hawaii.

# OF THE STATE OF HAWAII

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ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR

Notice of Failure to Comply With Hawaii Revised Statutes and Commission's Regulations Order to Show Cause Why Respondent's Operating Authority Should Not Be Suspended or Revoked. Docket No. 03-0282 Order No. 20483

## NOTICE OF VIOLATION, ORDER TO SHOW CAUSE, AND NOTICE OF HEARING

ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR ("Respondent") is the holder of a motor carrier certificate, issued pursuant to Hawaii Revised Statutes ("HRS") § 271-12. The commission authorized Respondent to transport property by motor vehicle on the island of Oahu under certificate of public convenience and necessity ("CPCN") No. 0251-C.

HRS § 271-25 and Hawaii Administrative Rules ("HAR") § 6-62-42(a) require Respondent to file an annual financial report ("AFR"). HRS § 271-36 and HAR § 6-62-24(a) require Respondent to pay an annual motor carrier gross revenue fee ("Fee"). Respondent failed to file an AFR and pay the Fee for 2002.

HRS § 271-19 authorizes the commission, after notice and hearing, to suspend or revoke any CPCN, in part or in whole, if the commission finds the holder violated any provision of HRS chapter 271. Accordingly, the commission may suspend or revoke Respondent's CPCN for failure to comply with the legal requirements set forth above, unless Respondent is able to show why such suspension or revocation should not occur.

#### THE COMMISSION ORDERS:

- 1. Respondent shall appear at 465 South King Street,
  Room B3, Honolulu, Hawaii 96813, at 9:00 a.m., on November 26,
  2003 to show cause why Respondent's CPCN should not be suspended
  or revoked for failure to comply with the legal requirements set
  forth in this order.
- 2. Respondent may be represented by counsel. If Respondent does not retain counsel, Respondent may be represented at the hearing as follows: (a) an individual may appear on his or her own behalf; (b) a partner may represent a partnership; and (c) an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

If Respondent fails to appear at the scheduled hearing, Respondent's CPCN shall be revoked.

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03-0282

DONE at Honolulu, Hawaii this 27th day of October, 2003.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

and la Calle

Carlito P. Caliboso, Chairman

By Winner Commissioner

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Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Catherine P. Awakuni Commission Counsel

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## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20483 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

ALAN M. FUJINAKA, dba TRIPLE A EQUIPMENT RENTAL & REPAIR 1557 Hoomoana Place Pearl City, HI 96782

(CM #7002 2030 0006 6812 7073)

Karen Higashi

DATED: October 27, 2003